

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GREGORY A. MILLER,
Plaintiff,

v.

**C.A.D.E.S., CHILDREN &
ADULT DISABILITY
EDUCATIONAL SERVICES, et al.,**
Defendants.

CIVIL ACTION NO. 20-CV-0612

ORDER

AND NOW, this *25th* day of February, 2020, upon consideration of Gregory A. Miller's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Gregory A. Miller, #EC-0594, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of SCI Phoenix or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Mr. Miller's inmate account; or (b) the average monthly balance in Mr. Miller's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Mr. Miller's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Mr.

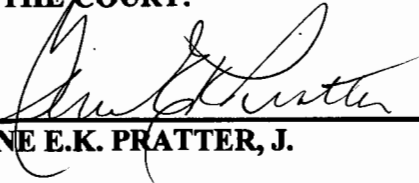
Miller's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is directed to **SEND** a copy of this Order to the Warden of SCI Phoenix.
4. The Complaint is **DEEMED** filed.
5. Mr. Miller's Complaint is **DISMISSED** in its entirety for the reasons stated in the

Court's Memorandum as follows:

- a. Any claims raised on behalf of the Estate of Diane Flamer are **DISMISSED WITHOUT PREJUDICE**;
 - b. Mr. Miller's federal claims are **DISMISSED WITH PREJUDICE** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii); and
 - c. Mr. Miller's state law claims are **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.
6. Mr. Miller is not granted leave to file an amended complaint in this matter.
 7. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:



GENE E.K. PRATTER, J.